

Patent Application No. 09/682,024

REMARKS

This Amendment is in response to the Final Office Action dated January 14, 2004. In the Office Action, claims 1, 3-7, 8, and 10 were rejected under 35 USC §103, and claims 11-14 were rejected under 35 USC §102. By this Amendment, claim 8 is amended. Currently pending claims 1, 3-7, 8, and 10-14 are believed allowable, with claims 1, 8 and 11 being independent claims.

CLAIM REJECTIONS UNDER 35 USC §103:

Claims 1 and 3-7 were rejected under 35 USC §103 as obvious over U.S. Patent No. 6,137,479 to Olsen et al. (hereinafter "Olsen") in view of U.S. Patent No. 6,369,794 to Sakurai et al. (hereinafter "Sakurai").

To make a *prima facie* obviousness rejection, the prior art references must teach or suggest all the claim limitations. See MPEP §2143. Claim 1 recites, in part, "the displacement detector comprising an image sensor, wherein an image sensed by the image sensor is processed to obtain a displacement of the device itself." In rejecting claim 1, the Examiner cites Olsen as teaching a trackball (motion sensor) that is rotated to move a cursor on a display screen. Final Office Action, page 3. The Examiner also cites Sakurai as teaching that a device that is swung from side to side and a motion detector to sense when a movement occurs. Final Office Action, page 3.

It is respectfully submitted that claim 1 does not recite a trackball, a motion sensor, swinging a device from side to side, or a motion detector. Claim 1 requires image sensor to obtain a displacement of the device. An image sensor dispenses with a mechanical pointing device such as a conventional button, improves miniaturization and water proofing properties, and avoids smearing the display. Application, paragraph 65. Contrary to the Examiner's assertion, although Olsen discusses an optical sensor, the optical sensor is used to transfer data from a computer screen to a wristwatch (not to obtain a device displacement). Olsen, column 1, lines 50-57. Thus, it is respectfully submitted that Olsen and Sakurai do not teach or suggest all the claim limitations of claim 1.

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In making a *prima facie* obviousness rejection, there must be some evidence, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. See MPEP §2143. "Broad conclusory statements regarding the teachings of multiple references, standing alone, are not 'evidence.'" *In re Dembicziak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed.Cir. 1999).

The Examiner offers as motivation of combining the teachings of Olsen with those of Sakurai ". . . because this would allow the user to interact with the GUI without using other means." Final Office Action, page 3. It is respectfully submitted that the Examiner has not provided evidence as to the desirability of making the specific combination that forms the subject matter claimed. Rather, the Examiner has erroneously construed the teaching of Olsen and Sakurai through impermissible hindsight in view of the present disclosure.

Finally, to make a *prima facie* obviousness rejection, there must be a reasonable expectation of success. See MPEP §2143. It is respectfully submitted no evidence of a reasonable expectation of success has been presented by the Examiner in combining the teachings of Olsen and Sakurai. Moreover, the trackball device of Olsen and the "shake and tap" method of Sakurai may work to counteract each other by potentially moving the a device cursor away from the user's intended position. Thus, for at least these reasons it is respectfully submitted that a *prima facie* obviousness rejection has not been established by the Examiner for claim 1.

In light of the preceding discussion, claim 1 of the present Application is not obviated by Olsen and Sakurai, and is allowable over the cited art. Furthermore, claims 3-7 are dependent on and further limit claim 1. For at least this reason, claims 3-7 are also allowable over the cited art.

Claims 8 and 10 were rejected under 35 USC §103 as obvious over Olsen in view of U.S. Patent No. 6,111,580 to Kazama et al. (hereinafter "Kazama"). Claim 8 is amended to recite, in part, "an image sensor, wherein an image sensed by the image sensor is processed

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to obtain a displacement of the device itself." As discussed above, Olsen does not teach or suggest this limitation of claim 8. It is further submitted that Kazama also does not teach or suggest this limitation. Therefore, for at least this reason, claim 8 is believed allowable over the cited art.

Claim 10 is dependent on and further limits claim 8. Since claim 8 is believed allowable over the cited art, claim 10 is also believed allowable over the cited art.

CLAIM REJECTIONS UNDER 35 USC §102:

Claims 11-14 were rejected under 35 USC §102 as anticipated by Sakurai. Claim 11 recites, in part, "using an image sensor to take an image of a physical object facing the device continuously and detecting a relative displacement between the taken object and the display." Although the Examiner asserts that Sakurai uses an image sensor to detect device displacement, it is respectfully submitted that such an assertion is a mischaracterization of Sakurai.

Sakurai discloses using acceleration sensors to detect motion of a device. Sakurai, column 7, lines 61-67. By analyzing an acceleration curve output from the acceleration sensors, the device determines whether the user is "swinging" or "tapping" the device. Sakurai, column 8, lines 27-46. Sakurai makes no mention of using an image sensor to detect device displacement. Thus, for at least this reason, it is respectfully submitted that claim 11 is not anticipated by Sakurai and is allowable over the cited art.

Claims 12-14 are dependent on and further limit claim 11. Since claim 11 is allowable over the cited art, claims 12-14 are allowable over the cited art for at least the same reasons as claim 11.

CONCLUSION

In view of the forgoing remarks, it is respectfully submitted that this case is now in condition for allowance and such action is respectfully requested. If any points remain at issue that the


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Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

No fee is believed due with this Amendment, however, should a fee be required please charge Deposit Account 50-0510. Should any extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,

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Ido Tuchman, Reg. No. 45,924
69-60 108th Street, Suite 503
Forest Hills, NY 11375
Telephone (718) 544-1110
Facsimile (718) 544-8588